

Posted: Friday, September 07, 2012

NOTICE AND CALL OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold its regular monthly meeting on
WEDNESDAY, SEPTEMBER 12, 2012 at 7:00 PM
in the Town Hall at 409 Trinity Street

- I. **CALL TO ORDER/ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION – *No Closed Session Scheduled.***
- IV. **RECONVENE TO OPEN SESSION**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES - August 08, 2012 cc**
- VII. **COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS**
- VIII. **ORAL STAFF REPORTS - Specific Department Reports, Planning Commission**
- IX. **ITEMS FROM THE FLOOR**

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

- X. **CONSENT AGENDA**
 - 1. Financial Status Reports for June 2012.
 - 2. Humboldt County Sheriff's Office Activity Report for the City of Trinidad.
 - 3. Conversion of Employee Vacation Time to Cash.
 - 4. Update on Moss Subdivision Appeal.
 - 5. Final Payment to Code Publishing Inc. for Recodification of Municipal Code
 - 6. Proclamation in Support of Gay Pride
 - 7. Luffenholtz Creek Sediment Reduction Contracts with RCAA and GHD
 - 8. Agreement for Services with GHD for Water System Turbidity Monitoring Project

- X. **DISCUSSION/ACTION AGENDA ITEMS**
 - 1. Discussion/Decision regarding Dissolution of the Trinidad Gateway Advisory Committee with Appreciation for its Successful Contributions. (Davies)
 - 2. Discussion/Decision regarding Consideration of Donation for new Air Service. (Fulkerson)
 - 3. Discussion/Decision to Consider Resolution 2012-12; Supporting a Constitutional Amendment to Overturn the Citizens United Decision. (Miller)

- XI. **COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS**
- XII. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

August 08, 2012 CC:

Supporting Documentation follows with: 3 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, August 8, 2012

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:05 PM. Council members in attendance: Morgan, Miller, Bhardwaj, Davies, Fulkerson.
- City Staff in attendance: Assistant City Clerk Sandra Cuthbertson, City Manager Karen Suiker., City Engineer Josh Wolf, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation
 - a. Tsurai Ancestral Society Liability Claims for Damages, etc. against the City of Trinidad.

IV. RECONVENE TO OPEN SESSION

Mayor Bhardwaj announced that there were no decisions made during closed session to report.

V. APPROVAL OF AGENDA

Motion (Fulkerson/Davies) to approve the agenda as written. **Passed 5-0**

VI. APPROVAL OF MINUTES – July 11, 2012

Bhardwaj reported two changes to the minutes: She was in attendance and the approval line should show her name. Motion (Davies/Miller) to approve July 11 minutes as corrected. **Passed 4-1.** Fulkerson abstain.

VII. COMMISSIONERS REPORTS

Davies: Nothing to report.

Miller: Nothing to report

Morgan: Nothing to report

Bhardwaj: Nothing to report

Fulkerson: Redwood Transit System reports ridership up; Sunday service to start in Fall. Local grass fed beef is becoming more popular, their operation is expanding.

VIII. STAFF REPORTS

Karen Suiker – City Manager

Summarized staff report included in the Council meeting packet.

IX. ITEMS FROM THE FLOOR

Pat Morales – Trinidad

Asked the Council when the B&B's water usage would be placed on the agenda.

City Manager, Suiker will place the item on the September agenda for discussion.

X. CONSENT AGENDA

1. Financial Status Reports for June 2012
2. Staff Activities Report for July 2012
3. Letter to Coastal Conservancy to Support RCAA Study

All consent agenda items were approved 5 – 0 as presented.

XI. AGENDA ITEMS

1. Change orders and Amendments to Agreement with GHD for Main and Trinity HR3 Project.

City Manager Suiker explained the additional work performed under the nine contract change orders (CCO). Josh Wolf, GHD project manager, answered council questions. The council approved the CCOs, authorizing the City Manager to execute the Amendment of Agreement with GHD for \$15,000. Motion (Fulkerson/Morgan) to approve the additional expenditures was passed 5-0

Council comments included:

General consensus: The project is looking great; all were pleased with the progress.

2. Resolution 2012-10: Approving OWTS Program Fees and Initial Implementation

Trever Parker, City Planner, explained that the ordinance must be flexible enough to accommodate all existing systems. Operating revenue will come directly from fees. Initial fees will be higher due to staff time; renewal fees require less staff time and are therefore lower. Planner's responsibility to prepare residents by sending "friendly letter", comparison studies, and fee schedules, etc.

Council comments included:

Fulkerson: Expressed concern that the cost breakdown be simplified, maximizing understandability.

Miller: "What's this going to cost me?" Terminology is unclear.

Davies: Instead of using columns, try boxes for cost breakdowns. Inspector should not be employee of septic system company doing repairs. Inspectors should be independent. City could pay all or half of training fee for prospective inspectors. Can we train city staff?

City Mgr: Public works crew is too busy to take on a new assignment. County inspectors are available on a limited basis. Our building inspector may be willing to take on added responsibilities.

Action: Bhardwaj and Miller will work with Trever on the wording of the brochure. Trever will place all background information on the city web site. OWTS information will be placed on September agenda with appropriate changes.

3. Ordinance 2012-03: Proposing an Extension of the 3/4% Sales Tax Increase

City Mgr: 2/3 of council must approve to adopt Ordinance 2012-03 giving the State Board of Equalization authorization to proceed with the extension process.

Council comments included:

Fulkerson: The statement should be a straight forward list of services that would be affected if the measure does not pass. It should not be a political statement. It may be difficult to word-smith a statement acceptable to all the council members.

Morgan: Expenditures need to be clarified, stating: the money will be used to fund the city manager's position, public works expenses as well as public safety.

Action: Fulkerson and Morgan will write a statement to appear on the ballot. Bhardwaj will also submit a written statement explaining the pros and cons. Whichever statement is signed by the most council persons will be submitted to the State BOE.

4. Employee Vacation Policy Change

City Manager addressed changes to the proposed vacation leave policy.

Council comments included:

Miller: Thanked City Manager for the comparison study showing what other small communities have adopted as their vacation earning policies. He felt it made the decision easy to approve the new policy.

Motion (Miller/Davies) to approve the proposed vacation leave policy. Adopted 5-0

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Fulkerson: Requested the council consider joining the

Miller:

City Manager: Suiker will miss the September council meeting due to a scheduled vacation.

XIII. ADJOURNMENT

- Meeting adjourned at 9:00pm.

Submitted by:

Sandra Cuthbertson
Assistant City Clerk

Approved by:

Kathy Bhardwaj
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Financial Status Reports for June 2012.

City of Trinidad
Statement of Revenues and Expenditures
From 7/1/2012 Through 7/31/2012

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	72,200.00	100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,025.00	100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	60.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	220.00	100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41070	PROPERTY TAX - FINES	0.00	0.00	1,000.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	640.00	100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,660.00	100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	2,000.00	100.00)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(3,675.00)	100.00)%
41200	LAFCO Charge	0.00	0.00	(600.00)	100.00)%
41210	IN-LIEU SALES & USE TAX	0.00	0.00	23,620.00	100.00)%
41220	IN LIEU VLF	0.00	0.00	26,520.00	100.00)%
42000	SALES & USE TAX	0.00	0.00	190,000.00	100.00)%
43000	TRANSIENT LODGING TAX	0.00	0.00	87,500.00	100.00)%
47310	VEHICLE LICENSE COLLECTION	0.00	0.00	200.00	100.00)%
49080	MOTOR VEHICLE FINES	0.00	0.00	720.00	100.00)%
53010	COPY MACHINE FEE	0.00	0.00	50.00	100.00)%
53020	INTEREST INCOME	4,294.41	4,294.41	20,000.00	(78.53)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	2,500.00	100.00)%
54020	PLANNER- APPLICATION PROCESSIN	0.00	0.00	6,000.00	100.00)%
54050	BLDG. INSP-APPLICATION PROCESSI	1,623.78	1,623.78	10,000.00	(83.76)%
54100	ANIMAL LICENSE FEES	14.00	14.00	100.00	(86.00)%
54150	BUSINESS LICENSE TAX	5,393.50	5,393.50	8,400.00	(35.79)%
54300	ENCROACHMENT PERMIT FEES	0.00	0.00	200.00	100.00)%
56400	RENT - VERIZON	1,739.79	1,739.79	21,118.00	(91.76)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,125.00	100.00)%
56650	RENT - SUDDENLINK	1,105.20	1,105.20	3,920.00	(71.81)%
56700	RENT - TOWN HALL	360.00	360.00	10,000.00	(96.40)%
	Total Revenue	14,530.68	14,530.68	492,703.00	(97.05)%

City of Trinidad
Statement of Revenues and Expenditures
201 - GFAdmin
From 7/1/2012 Through 7/31/2012

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60000	INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	2,385.00	100.00%
60900	HONORARIUMS	250.00	250.00	3,000.00	91.67%
61000	EMPLOYEE GROSS WAGE	5,326.77	5,326.77	92,768.00	94.26%
61250	OVERTIME	0.00	0.00	500.00	100.00%
61470	FRINGE BENEFITS	46.16	46.16	0.00	0.00%
65100	DEFERRED RETIREMENT	208.30	208.30	3,657.00	94.30%
65200	MEDICAL INSURANCE AND EXPENSE	477.16	477.16	5,663.00	91.57%
65300	WORKMEN'S COMP INSURANCE	3,050.19	3,050.19	3,101.00	1.64%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	48.00	48.00	1,200.00	96.00%
65600	PAYROLL TAX	426.45	426.45	7,377.00	94.22%
68090	CRIME BOND	525.00	525.00	525.00	0.00%
68200	INSURANCE - LIABILITY	9,400.30	9,400.30	9,919.00	5.23%
68300	PROPERTY & CASUALTY	3,705.00	3,705.00	4,466.00	17.04%
71100	ATTORNEY-MEETINGS	247.50	247.50	20,000.00	98.76%
71110	ATTORNEY-ADMINISTRATIVE TASKS	3,949.35	3,949.35	0.00	0.00%
71130	ATTORNEY-LITIGATION	2,145.00	2,145.00	5,000.00	57.10%
71160	ACCOUNTING	1,051.17	1,051.17	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	1,500.00	100.00%
71300	CITY PLANNER-MEETINGS	630.00	630.00	0.00	0.00%
71310	CITY PLANNER-ADMIN. TASKS	1,266.75	1,266.75	38,600.00	96.72%
71320	CITY PLANNER-APPL. PROCESS	1,950.00	1,950.00	0.00	0.00%
71340	CITY PLANNER - SPECIAL PROJECT	410.00	410.00	0.00	0.00%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	0.00	10,000.00	100.00%
71420	BLDG INSPECTOR-PERMIT PROCESS	550.00	550.00	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	11,050.00	100.00%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	13,585.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	4,000.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	235.00	235.00	1,200.00	80.42%
75170	RENT	650.00	650.00	8,190.00	92.06%
75180	UTILITIES	693.52	693.52	6,000.00	88.44%
75190	DUES & MEMBERSHIP	125.00	125.00	1,100.00	88.64%
75200	MUNICIPAL/UPDATE EXPENSE	501.05	501.05	3,006.00	83.33%
75220	OFFICE SUPPLIES & EXPENSE	195.15	195.15	5,500.00	96.45%
75240	BANK CHARGES	3.00	3.00	200.00	98.50%
75300	CONTRACTED SERVICES	0.00	0.00	1,000.00	100.00%
75990	MISCELLANEOUS EXPENSE	4.50	4.50	0.00	0.00%
76110	TELEPHONE	107.68	107.68	2,500.00	95.69%
76130	CABLE & INTERNET SERVICE	160.95	160.95	2,400.00	93.29%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	39.80	39.80	5,000.00	99.20%
78190	MATERIALS, SUPPLIES & EQUIPMEN	367.83	367.83	6,200.00	94.07%
	Total Expense	38,746.58	38,746.58	282,092.00	86.26%

City of Trinidad
Statement of Revenues and Expenditures
301 - Police
From 7/1/2012 Through 7/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	267.51	267.51	4,694.00	94.30%
65300	WORKMEN'S COMP INSURANCE	184.86	184.86	157.00	(17.75)%
65600	PAYROLL TAX	20.46	20.46	359.00	94.30%
75170	RENT	650.00	650.00	8,190.00	92.06%
75180	UTILITIES	156.29	156.29	2,410.00	93.51%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	200.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	85,372.00	100.00%
75350	ANIMAL CONTROL	113.00	113.00	1,796.00	93.71%
76110	TELEPHONE	78.41	78.41	1,000.00	92.16%
	Total Expense	<u>1,470.53</u>	<u>1,470.53</u>	<u>104,178.00</u>	<u>98.59%</u>

City of Trinidad
Statement of Revenues and Expenditures
401 - Fire
From 7/1/2012 Through 7/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	150.00	1,800.00	91.67%
75180	UTILITIES	51.16	51.16	1,315.00	96.11%
75190	DUES & MEMBERSHIP	0.00	0.00	10.00	100.00%
75300	CONTRACTED SERVICES	145.00	145.00	128.00	(13.28)%
76110	TELEPHONE	6.81	6.81	100.00	93.19%
76140	RADIO & DISPATCH	0.00	0.00	618.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	0.00	400.00	100.00%
78150	VEHICLE REPAIRS	0.00	0.00	3,000.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	700.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	2,500.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	750.00	100.00%
90000	Capital Reserves	0.00	0.00	10,000.00	100.00%
	Total Expense	<u>352.97</u>	<u>352.97</u>	<u>21,321.00</u>	<u>98.34%</u>

City of Trinidad
Statement of Revenues and Expenditures
501 - PW (Public Works)
From 7/1/2012 Through 7/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	2,270.23	2,270.23	38,897.00	94.16%
61250	OVERTIME	0.00	0.00	1,500.00	100.00%
65100	DEFERRED RETIREMENT	230.55	230.55	3,943.00	94.15%
65200	MEDICAL INSURANCE AND EXPENSE	1,664.36	1,664.36	19,663.00	91.54%
65300	WORKMEN'S COMP INSURANCE	1,294.02	1,294.02	1,301.00	0.54%
65600	PAYROLL TAX	191.66	191.66	3,277.00	94.15%
65800	Grant Payroll Allocation	(467.29)	(467.29)	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	272.00	272.00	4,800.00	94.33%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	3,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	3,000.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	0.00	5,000.00	100.00%
78120	STREET LIGHTING	420.07	420.07	5,000.00	91.60%
78130	TRAIL MAINTENANCE	234.27	234.27	1,000.00	76.57%
78140	VEHICLE FUEL & OIL	364.78	364.78	4,000.00	90.88%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	464.53	464.53	7,795.00	94.04%
90000	Capital Reserves	0.00	0.00	10,000.00	100.00%
	Total Expense	<u>6,939.18</u>	<u>6,939.18</u>	<u>118,676.00</u>	<u>94.15%</u>

City of Trinidad
Statement of Revenues and Expenditures
204 - IWM
From 7/1/2012 Through 7/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	5,000.00	(100.00)%
47600	BLUE BAG SALES	200.00	200.00	3,600.00	(94.44)%
47650	RECYCLING REVENUE	1,403.61	1,403.61	33,060.00	(95.75)%
	Total Revenue	1,603.61	1,603.61	41,660.00	(96.15)%
	Expense				
61000	EMPLOYEE GROSS WAGE	334.37	334.37	5,762.00	94.20%
65100	DEFERRED RETIREMENT	40.10	40.10	691.00	94.20%
65200	MEDICAL INSURANCE AND EXPENSE	218.71	218.71	2,543.00	91.40%
65300	WORKMEN'S COMP INSURANCE	184.86	184.86	193.00	4.22%
65600	PAYROLL TAX	28.64	28.64	493.00	94.19%
65800	Grant Payroll Allocation	(49.45)	(49.45)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	18,000.00	100.00%
75140	BLUE BAG PURCHASES	0.00	0.00	3,600.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	514.70	514.70	6,500.00	92.08%
78190	MATERIALS, SUPPLIES & EQUIPMEN	123.74	123.74	1,000.00	87.63%
78210	Advertising Outreach & Project	0.00	0.00	100.00	100.00%
	Total Expense	1,395.67	1,395.67	38,882.00	96.41%
	Net Income	207.94	207.94	2,778.00	(92.51)%

City of Trinidad
Statement of Revenues and Expenditures
601 - Water
From 7/1/2012 Through 7/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	9,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	1,000.00	(100.00)%
57100	WATER SALES	23,561.84	23,561.84	265,700.00	(91.13)%
57300	NEW WATER HOOK UPS	0.00	0.00	4,500.00	(100.00)%
57500	WATER A/R PENALTIES	(3,080.77)	(3,080.77)	8,000.00	(138.51)%
	Total Revenue	20,481.07	20,481.07	288,200.00	(92.89)%
Expense					
61000	EMPLOYEE GROSS WAGE	5,141.91	5,141.91	89,127.00	94.23%
61250	OVERTIME	0.00	0.00	2,000.00	100.00%
65100	DEFERRED RETIREMENT	596.10	596.10	10,332.00	94.23%
65200	MEDICAL INSURANCE AND EXPENSE	3,575.91	3,575.91	41,993.00	91.48%
65300	WORKMEN'S COMP INSURANCE	2,957.76	2,957.76	2,980.00	0.75%
65600	PAYROLL TAX	439.13	439.13	7,609.00	94.23%
65800	Grant Payroll Allocation	(1,023.51)	(1,023.51)	0.00	0.00%
68090	CRIME BOND	175.00	175.00	0.00	0.00%
68200	INSURANCE - LIABILITY	5,061.70	5,061.70	5,341.00	5.23%
68300	PROPERTY & CASUALTY	1,995.00	1,995.00	2,405.00	17.05%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71160	ACCOUNTING	566.83	566.83	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	5,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	7,000.00	100.00%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,315.00	100.00%
72100	BAD DEBTS	141.05	141.05	200.00	29.48%
75180	UTILITIES	1,334.02	1,334.02	13,500.00	90.12%
75190	DUES & MEMBERSHIP	0.00	0.00	900.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	60.09	60.09	2,200.00	97.27%
75230	INTEREST EXPENSE	0.00	0.00	1,284.00	100.00%
75240	BANK CHARGES	20.00	20.00	100.00	80.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	109.10	109.10	900.00	87.88%
76130	CABLE & INTERNET SERVICE	49.00	49.00	620.00	92.10%
76160	LICENSES & FEES	0.00	0.00	2,475.00	100.00%
78140	VEHICLE FUEL & OIL	94.71	94.71	2,500.00	96.21%
78150	VEHICLE REPAIRS	0.00	0.00	2,000.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	12.07	12.07	2,000.00	99.40%
78170	SECURITY SYSTEM	0.00	0.00	350.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	6,505.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	95.00	95.00	4,500.00	97.89%
79120	WATER PLANT CHEMICALS	1,064.89	1,064.89	12,000.00	91.13%
79130	WATER LINE HOOK-UPS	0.00	0.00	4,000.00	100.00%
79150	WATER LINE REPAIR	0.00	0.00	30,000.00	100.00%
79160	WATER PLANT REPAIR	46.54	46.54	10,000.00	99.53%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	Total Expense	22,512.30	22,512.30	294,386.00	92.35%
	Net Income	(2,031.23)	(2,031.23)	(6,186.00)	(67.16)%

City of Trinidad
Statement of Revenues and Expenditures
701 - Cemetery
From 7/1/2012 Through 7/31/2012

		<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Revenue				
53020	INTEREST INCOME	0.00	0.00	2,000.00	(100.00)%
58100	CEMETERY PLOT SALES	<u>875.00</u>	<u>875.00</u>	<u>6,000.00</u>	<u>(85.42)%</u>
	Total Revenue	<u>875.00</u>	<u>875.00</u>	<u>8,000.00</u>	<u>(89.06)%</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	334.37	334.37	5,762.00	94.20%
65100	DEFERRED RETIREMENT	40.12	40.12	691.00	94.19%
65200	MEDICAL INSURANCE AND EXPENSE	218.71	218.71	2,543.00	91.40%
65300	WORKMEN'S COMP INSURANCE	184.86	184.86	193.00	4.22%
65600	PAYROLL TAX	28.63	28.63	493.00	94.19%
65800	Grant Payroll Allocation	(49.45)	(49.45)	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	<u>0.00</u>	<u>0.00</u>	<u>500.00</u>	<u>100.00%</u>
	Total Expense	<u>757.24</u>	<u>757.24</u>	<u>10,182.00</u>	<u>92.56%</u>
	Net Income	<u>117.76</u>	<u>117.76</u>	<u>(2,182.00)</u>	<u>(105.40)%</u>



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

2. Humboldt County Sheriff's Office Activity Report for the City of Trinidad.

CONSENT AGENDA ITEM

Date: September 12, 2012

Item: Humboldt County Sheriff's Office Activity in City of Trinidad

Background: Attached is the first of what is planned to be routinely prepared and submitted to the Council summarizing the nature of calls dispatched for law enforcement services in the City of Trinidad. Of specific note is that the Sheriff's Office is in the process of securing radar equipment and training our assigned deputy in its use. This will be helpful in addressing speed enforcement and/or speeding issues that are brought up from time to time.

Proposed Action: Receive and file report.

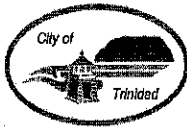
Humboldt County Sheriff's Office

Trinidad Activity

July 30, 2012 – August 30, 2012

Alarm	2
Assault	1
Disturbance	2
Drunk in Public	1
Follow Up Details	3
Investigations	2
Overdose	1
Panhandler	1
Pedestrian Contact	2
Patrol Checks (including foot patrol)	17
Robbery	1
Suspicious Circumstances	2
Traffic Collision	1
Traffic Stop	3
Unwanted Subject	2

Please note these numbers indicate the type of call dispatched and do not reflect what the disposition was.



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

3. Conversion of Employee Vacation Time to Cash.

CONSENT AGENDA ITEM

Date: September 12, 2012

Item: Consider authorizing city employees to convert vacation credit to cash.

Background:

The city's Employee Policy and Procedure Manual does not specifically permit nor prohibit the option for employees to convert vacation credit to cash. The previous city manager authorized such conversion since there was no prohibition against it, and the current city manager did so shortly after assuming office since there was already an established precedent. An employee has made a recent request for vacation conversion, and Council approval is requested to assure there is no question of proper authorization.

The Employee Policy and Procedure Manual provides for the payment for all unused and accumulated vacation to be made upon termination, so any incurred and accumulated vacation is already a city liability. Conversion to cash has immediate budgetary consequences, but correspondingly reduces the long-term liability.

Proposed Action: Authorize city employees the option of converting vacation credit to cash, subject to one vacation conversion per calendar year.



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 10 PAGES

4. Update on Moss Subdivision Appeal.



MEMORANDUM

TO: Trinidad City Council
FROM: Trever Parker, City Planner
DATE: September 5, 2012
RE: Moss Subdivision Appeal Summary

The City of Trinidad and the Friends of Westhaven and Trinidad appeal of the County Planning Commission's approval of the Moss subdivision was heard before the Board of Supervisors on Tuesday September 4, 2012. The ultimate action of the Board was to approve the staff recommendation, which upheld the appeal on certain requests, and denied the appeal on other requests as follows:

- 1) Alter the 107 day period in which surface water withdrawals are prohibited during the dry season from the approved July 1 – October 15 to July 15 – October 31 based on average low flows in Little River and Redwood Creek: Upheld.
- 2) Relate water withdrawal prohibitions to measured actual flows at the Trinidad intake, in addition to the typical dry season dates (above): Denied
- 3) Provide additional enforcement and inspection methods for restrictions on surface water withdrawals. This included: (1) telemetry enabled pumps / flow meters – Upheld (though unclear, this was actually part of the Planning Commission's decision); and (2) providing an easement to the City of Trinidad to conduct periodic inspection of the pumping equipment – Denied. Note that at the hearing, the City concurred with staff's recommendation and did not pursue this issue further.
- 4) Show restrictions regarding vegetation clearing on future deeds, as well as on the development plans: Upheld
- 5) Apply future emergency water conservation ordinances of the City of Trinidad to the Moss Minor Subdivision: Denied. Note that at the hearing, the City concurred with staff's recommendation and did not pursue this issue further.

I have attached both my testimony along with that submitted by Sungnome Madrone on behalf of Friends of Westhaven and Trinidad, as well as the original appeal that was filed with the County. This will provide you additional background on the above requests and decision. Additional information can be found at the County's website (<http://co.humboldt.ca.us/board/agenda/questys/>) by clicking on the Sept. 4 agenda, and then scrolling down to item L.1.

Supporting Information for: Appeal of the Humboldt County Planning Commission approval of the Moss Parcel Subdivision (File No. 515-131-32 and 515-291-46, Case No. PMS-03-14) and associated certification of the Final Supplemental Environmental Impact Report of the same by the City of Trinidad and the Friends of Westhaven and Trinidad. Submitted November 14, 2011

The City of Trinidad and the Friends of Westhaven and Trinidad are hereby jointly and severally appealing the Planning Commission decision on November 3, 2011 approving the Moss Parcel Subdivision. At a special meeting on November 10, 2011, the Trinidad City Council voted unanimously (3-0) to direct the City Planner to submit an appeal of the above mentioned project to the County Board of Supervisors jointly and severally with the Friends of Westhaven and Trinidad (Friends).

The County Planning Commission approved the Moss subdivision, on Thursday November 3, 2011 by a 4-2 vote. The project is located in the Luffenholtz Creek watershed, which is the water supply for the City of Trinidad. The County has done a commendable job in analyzing and addressing most of the City's and the Friends' concerns regarding the project and mitigating the resulting impacts to the City's water supply. However, there are still some items of concern that warrant this appeal of the project to the Board of Supervisors.

The City has a responsibility to ensure the highest level of protection for its water supply as possible, and some changes to the proposed mitigation are warranted to ensure adequate reduction of the impacts and the enforcement of the mitigation into the future. The project, as mitigated, is close to doing a very good job of addressing the City's and Friends' concerns regarding its water supply and native salmonids. However, there are still a few holes that need to be closed to better protect Luffenholtz Creek water. One of the main reasons for concern is that the water analysis shows that there is very little margin for error in a dry year. The water supply analysis that was prepared for the Supplemental Environmental Impact Report by the County's Consultant LACO Associates shows that Luffenholtz Creek has been 95% allocated for the driest year used in the analysis. Therefore the risk is fairly high. Though the assumptions in that report were reasonable, 1976/1977 does not necessarily reflect the driest year possible. In addition, climate change, which is nearly universally accepted at this point, adds to future uncertainties. Scientists generally agree that additional heat energy in the atmosphere will lead to more climate extremes. This means possibly more extreme and / or frequent droughts and floods. Therefore, using past data may no longer provide a good predictor of future events. With the small percentage of error left in the allocation of Luffenholtz Creek, and future uncertainties, there is a strong need to ensure compliance of the important mitigations that were included to reduce the impacts of this project on Luffenholtz Creek.

The County Planning Commissioners recognized these issues as part of their discussion on November 3, 2011. A couple of the issues that were brought up at the Planning Commission hearing are of note for the City's and the Friends' concerns. One was a question of what is the appropriate dry season to restrict pumping on Luffenholtz Creek, because it was changed at the meeting from August 1 through November 15 to July 1 through October 15. Another issue that was discussed was the future enforcement of the required mitigation measures. The application was approved by a 4-2 vote, indicating that not all the Commissioners were satisfied with the conclusions. We feel that the County has done a good job in addressing the issues and concerns surrounding this project.

However, there are still a few loose ends that were not included in the final action by the County Planning Commission. In fact, the motion to certify the EIR and approve the subdivision was somewhat confusing and unclear according to some people that were in attendance at the meeting. The application for Moss has been a long and complicated process with many issues to deal with and so it is easy to understand why some items may have been overlooked in the final approval.

The City of Trinidad and Friends of Westhaven and Trinidad are appealing the decision in order to request the following additional mitigation and enforcement measures. Some supporting information is included below. However, additional information will be submitted in a timely manner prior to the Board of Supervisors Hearing.

1. Dates for restricting dry season pumping from Luffenholtz Creek are not appropriate (EIR MM 2). Through most of the EIR process, a dry season pumping restriction between August 1st and November 15th has been proposed. However, at the last hearing, as recommended in Supplemental No. 3, those dates were changed to July 1st to October 15th. As stated in the supplement, this was based on a letter from the Dept. of Fish and Game. The supplement states that: "*A review of rainfall records in Trinidad indicates that the period of July 1 to October 15 most closely matches the actual average rainfall minimums.*" This statement is unsupported by evidence, and stream flows necessarily lag behind rainfall as the first rain is soaked up by the dry soil. The October 15th date is a concern. Considering just this year, last winter was an above average water year, with rainfall very late into the spring. There was also an early rainstorm, but Luffenholtz was still pretty dry on October 15th. It is likely that future residents on the Moss parcel will start pumping at their maximum allowable rate as soon as October 15th passes in order to fill their tanks. It is my understanding that the riparian water rights of the Moss parcels would take precedence over the City's appropriated rights. A quick review of the USGS flow records for Little River to the south and Redwood Creek to the north, which are the closest gaged streams to Luffenholtz Creek, also show that October 15th is not the end of the dry season in this area. In fact, on both streams, the 55 (Little River) and 60 (Redwood Creek) year mean flow continues to decrease after October 15th. This data shows that a more appropriate dry period restriction of 107 days would be July 15th through October 31st. However, a period of more than 107 days may be warranted.
2. Pumping restrictions on the Moss parcels should be tied to actual low flows, rather than just dates. The Redwood Creek and Little River minimum flows (over 60 and 55 years respectively) also show that the lowest creek flows are not restricted to traditionally dry seasons. There may be dry periods at any time of the year that result in extremely low creek flows. This is evidenced by the Little River flow records showing minimum flows for more than a week in December which are lower than any minimum flow that has occurred in August. Therefore, the City and Friends are requesting that additional mitigation be required for the parcels of this subdivision that will be located in the Luffenholtz Creek watershed to restrict pumping from Luffenholtz Creek any time the flows at the City water plant drop below a certain level. It has not yet been determined what this threshold should be. The City is willing to install a flow meter on Luffenholtz Creek at the water plant that can be monitored remotely. This system will send out a warning when flows are starting to get close to the established threshold and another alert when that low flow threshold is reached. The City recognizes that this is not as simple as the dry season pumping restrictions based

on dates, but feels it is necessary to protect the City's water supply. The City and Friends also recognize that the Moss parcels are not the only water users that have a responsibility to conserve water during low flow periods and the City will be considering adopting emergency water conservation measures that will be put into place during these low flow periods.

3. Enforcement of pumping restrictions and storage requirements needs to be strengthened (EIR MM 3). Some oversight provisions have been included in these mitigation measures, such as annual reporting requirements and recordation on the property deeds. However, the City and Friends have concerns about the County's ability to realistically enforce these complex provisions. What is going to stop future owners from adding more pumps or storage in the future that are not metered? Previously, the City asked for an easement to access the property to do onsite inspections; this request was not included in the final mitigation. In addition, technology was discussed at the County Planning Commission hearing that would allow remote monitoring of the pumps and / or tanks. Similar technology is used to monitor propane gas tank levels in remote areas. The City again requests that an access easement be provided to the City so that staff can inspect the water systems on the parcels in the Luffenholtz Creek watershed to ensure that they continue to operate as required by this mitigation. In addition, the City and Friends request that smart meters be included as part of the mitigation to allow the pumping to be remotely monitored.
4. Enforcement of the vegetation clearing restriction (Condition 11). This is a very important mitigation measure for protecting the City's water supply in the future and the City and Friends fully support it. Restricting land conversion maintains the natural hydrologic cycle and conditions. Forests retain and store more water that is then released during the dry season than pasture or other vegetation. In addition, it prevents future owners from landscaping or farming large areas of their lot that would need irrigation during the dry season (the parcels are zoned for agriculture). However, there is no practical ability to enforce this provision as it is currently written. It will be added as a note on the development plans. However, this will not show up on the title or the deed for the property, so future owners will not even be aware of this requirement. The City and Friends request that this requirement be recorded on the deed for each property as was required for the pumping restrictions so that future owners are made aware of the restriction.
5. Require implantation of water conservation measures should critical low flows in Luffenholtz Creek be reached. This is a new mitigation or condition of approval proposed by the City and Friends. It would be tied to the new flow meter that will be installed on Luffenholtz Creek at the City's water plant described above in item 2. The City will consider adoption of a water conservation ordinance that will require emergency water conservation measures when the creek flow reaches the warning stage. The City and Friends request that these conservation measures, if adopted by ordinance of the City of Trinidad, also be binding on Moss. This is appropriate because it should be the responsibility of all uses to protect and conserve this most important resource.

**Testimony from Trever Parker, City Planner for the City of Trinidad
Moss Subdivision Appeal, Board of Supervisors, September 4th, 2012**

The City of Trinidad would like to thank County staff for taking a serious and hard look at the impacts from this project. Though seemingly minor on the surface, when considered with past, present and future projects within the Luffenholtz Creek watershed, this subdivision does have the potential to significantly impact the City's water supply and resident salmonids. It also has the potential to set precedent for other development within the watershed. As you are aware, the City's sole current water supply is lower Luffenholtz Creek. Your EIR found that in a severely dry year, Luffenholtz Creek is already 95% allocated. That is a small margin of error, especially considering the lack of long-term flow records to show what the driest year really is, and the future uncertainties and increased weather fluctuations from climate change.

The City feels that the County's analysis of the water supply and fish impacts was thorough and reasonable. The mitigations that have been included will substantially protect water flows in Luffenholtz Creek. The purpose of this appeal is mainly to strengthen those mitigation measures to ensure that they are enforceable in the long term and that they account for future uncertainties and weather anomalies. The appellants feel that these extra protections are warranted because the stakes are so high. Obviously the City's water supply is the lifeblood of the community, but also, even a temporary dewatering of the stream would have serious, deleterious effects on downstream water users and ESA listed salmonids.

For the most part, the City concurs with the current staff recommendations on this appeal, except in regards to item 2.

1. The City supports County Staff's recommendation upholding appellant's request to change the 107-day dry season withdrawal prohibition dates from July 1 – October 15 to July 15 – October 31 to better reflect actual minimum average flows measured in Little River and Redwood Creek.
2. The City and Friends have requested that the timing of withdrawal restrictions be based on real time flow measurements made at the City's water plant. County staff has responded that the withdrawal restriction is to mitigate impacts to coastal cutthroat, not the City's water supply. However, the water supply analysis also includes this same mitigation to protect the City's water. The staff report states that mitigation for the City's water supply is addressed through the cumulative impact mitigations which include larger studies and policy changes (e.g. item 5). However, if the effects of the Moss project are incrementally cumulatively considerable, more specific mitigation is warranted.

The City recognizes that flow at the City's water plant on lower Luffenholtz Creek is influenced by many factors, and that reduced flow at this location can not be attributed solely to Moss. However, the City feels that this is an important mitigation measure. If the north fork Luffenholtz were to be dewatered even for a short time, listed salmonids would be significantly affected, and therefore, strict consideration and mitigation is required. Flow records from both Little River and Redwood Creek show that minimum daily means from the 55 to 60 years of data have occurred outside the normal dry period, including November and December. The applicant's agent notes that no other parcels within the Luffenholtz watershed are subject to such a requirement. That is true, but I feel that this type of system is going to become more

common as water becomes more scarce, and it has to start somewhere. I will allow Sungnome to further address this condition.

3. The City and Friends requested additional enforcement measure to ensure that pumping, storage and withdrawals would meet the mitigation requirements and conditions of approval. The request was for (1) pumps that used remote telemetry and (2) that the City be given an easement so it could periodically inspect the equipment. County staff has concurred with the first request of telemetry. In fact, though unclear, it was part of the Planning Commission's action, and so has been incorporated into the conditions and mitigation already. However, County staff did not recommend providing an easement to the City of Trinidad for inspection of the pumps and storage equipment. Their reasoning included the fact that there are already enforcement mechanisms in place, it is not the City's responsibility to enforce mitigation, and it could create confusion and redundancy. *The City accepts this compromise, recognizing that there are several enforcement mechanisms in place and that the redundancy could create confusion, along with the added burden to the Moss parcels.*
4. The forth request from the City and Friends was to include the prohibition of vegetation clearing except around the buildings (already included in the mitigation) on the property deeds rather than just a note on the development plan. This way the requirement will show up in title searches and future property owners will be aware of it. County staff concurred with this request and recommends including it as a condition of approval. *The City thanks the County for recognizing this as an enforcement and disclosure issue and properly addressing it. (Though the current resolution submitted as part of Supplemental #1 has that requirement mistakenly crossed out.)*
5. Finally, the City and Friends requested that any future water conservation ordinance adopted by the City of Trinidad be applied to and binding on the Moss parcels. The EIR already contained a mitigation measure for cumulative impacts to the City's water supply such that all future development in the Luffenholtz Creek watershed must demonstrate that such development will not impact the City's water supply. County staff originally concurred with the City's request and have proposed that language requiring adherence to any City water conservation ordinance be applied to development and new parcels within the Luffenholtz watershed. However, based on recent objections from the applicant's agent, the City water ordinance requirement is now proposed to be removed. *The City recognizes that the burden to conserve and protect water in the Luffenholtz Creek watershed belongs to all users, and not just the Moss parcels. The City supports the development of a watershed-wide policy for this Critical Water Supply Area by the County. The existing mitigation does not preclude the County from adopting its own watershed-wide water conservation ordinance to all the parcels. The City would welcome the opportunity to work with the County in developing policies for the Luffenholtz Critical Water Supply Area and accepts the change proposed by staff.*

Sincerely,

Trever Parker,
City Planner, City of Trinidad

Testimony from Sungnome Madrone, Representing Friends of Westhaven and Trinidad
Moss Subdivision: September 4th, 2012

DISCUSSION:

Project Summary

The project consists of a Parcel Map Subdivision of an approximately 94 acre vacant parcel, into four parcels that are a part of a much larger (680 acres approximate) "PATENT PARCEL SUBDIVISION".

This project has a long and convoluted history, due in large part to the applicants and their partners (Trinidad Limited Liability Corporation) attempts to conceal the fact that they are developing the entire 680-acre area as a "PATENT PARCEL SUBDIVISION". THIS ATTEMPT TO BREAK THE PROJECT UP INTO INDIVIDUAL PARTS (MOSS NOW AND OTHER MINOR SUBDIVISIONS LATER) IS A VIOLATION OF CEQA'S REQUIREMENT TO LOOK AT THE WHOLE OF THE ACTION".

Basis of Appeal

The basis of the appeal is set forth in the appeal letter submitted by the City of Trinidad and the Friends of Westhaven and Trinidad which was received by the Planning and Building Department on November 14, 2011 (Attachment B). The appellants requested five changes to the Planning Commission's action approving the Moss Minor Subdivision, summarized as:

- 1) Alter the dates in which surface water withdrawals are prohibited.
- 2) Relate water withdrawal prohibitions to measured flows at the Trinidad intake, as well as to typical dry season dates.
- 3) Provide additional enforcement and inspection methods for restrictions on surface water withdrawals.
- 4) Show restrictions regarding vegetation clearing on future deeds, as well as on the development plans.
- 5) Apply future emergency water conservation ordinances of the City of Trinidad to the Moss Minor Subdivision.

Staff Recommendation (as of July 2nd, 2012)

As described in greater detail below, Staff recommends that the Board of Supervisors uphold the appeal, in part, as to appeal requests 1, 4, and 5, but deny the appeal, in part, as to appeal requests 2 and 3 as they are not necessary to mitigate project effects to a level below the threshold of significance and are not required for the orderly subdivision and development of the subject site.

Appellant Response

We agree with staff recommendations to uphold the appeal as regards requests # 1, 4, disagree with denying request #2, and are ok with not including request # 3 and 5.

Appeal Request No. 2: Relate water withdrawal prohibitions to measured flows at the Trinidad intake

Background

As noted in the discussion regarding Appeal Request No. 1, the Planning Commission action establishes dates, during which water withdrawals would be prohibited. The primary purpose of

these restrictions is to avoid the potential de-watering of streams, which do provide habitat for coastal cutthroat trout.

Request from Appellants

The appellants request that, the Board of Supervisors adopt a mitigation measure, which would establish a minimum flow rate at the City of Trinidad water intake on Luffenholtz Creek (downstream of the project site). The appellants do not suggest a specific minimum flow rate for this purpose. If flows at the intake fall below the minimum established by the Board of Supervisors at any time of year, water intake at the subject site would be prohibited until flows recovered. We request installation of flow meters with remote monitoring capability at the downstream end of the Moss properties and at the Cities water plant for this purpose. The hydrologic study completed as a part of this project should provide the needed data to determine the low flow threshold.

Staff Recommendation

It should be noted that the dry-season prohibition on water withdrawals is intended to mitigate potential effects of the project with regard to coastal cutthroat trout, rather than to mitigate potential effects to the City of Trinidad's water supply. The potential cumulative effect to the water supply is addressed through the proposed development of a watershed-wide policy. As noted in Planning Commission Staff Report Supplement No. 3, there is support in the CEQA Guidelines for this approach to the mitigation of cumulative effects as follows:

Section 15130(c): With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

Appellant Response to Staff Recommendation

The proposed addition of an indeterminate but predictable (based on drought and low flows) moratorium on future water withdrawals is the only way to prevent de-watering and this will only occur with an effective early warning system. This is exactly the method in place in the Mattole where background for mitigation measure for this project came from. The fact that responsible agencies did not recommend such measures does not mean that a threat of de-watering does not exist. That is true in the Mattole where it is a partnership of Non-Profit Watershed groups that took initial action to protect endangered fish species. Government agencies have become valuable partners in this cooperative watershed effort but were not out in front.

The Counties own studies and reports document that there is a threat. Without an early warning system to trigger timely enforcement there is no effective mitigation.

Appeal Request No. 4: Show restrictions regarding vegetation clearing on future deeds as well as on the development plans

Background

The subject site is zoned AE (Agricultural Exclusive), which permits a wide variety of uses, including agricultural production and residential landscaping, which would be expected to require removal of existing trees and natural vegetation on the proposed parcels. In public testimony, comments indicated that development on parcels in the vicinity had been accompanied by considerable land clearing. As described in the Draft and Final EIR, (Page ES-4, 1-3, page 3-1, Page 3-8), the effects of such land clearance had been fully addressed in a prior adopted Mitigated Negative Declaration, and were not appropriate for further consideration under CEQA.

However, the Planning Commission may adopt conditions of approval where necessary to promote General Plan policies or to ensure orderly development.

Approach in Planning Commission Action

The Planning Commission considered public testimony regarding land clearance and concurred that restrictions on such clearing would be appropriate. Staff recommended Condition No. 11, which was accepted by the applicant and adopted by the Planning Commission as follows:

Condition 11

The portions of each lot where clearing of vegetation may occur shall be restricted to three acres which include the sites of the proposed building footprints, driveways, and septic systems/leach fields, plus 100 feet from each residence as may be required per fire-safe regulations. The remainder of each lot shall be maintained with the existing mature trees, wetlands, and riparian and understory vegetation, and a notation requiring preservation of the trees in this remainder area of each lot shall appear on the development plan.

Request from Appellants

The appellants request that Condition No. 11 be modified to include the requirement that the land clearance restrictions be recorded on future property deeds, so that they are identified in title searches, and future property owners are made aware of the condition of approval.

Staff Recommendation

Staff concurs with the appellant's suggestion, and recommends that Condition No. 11 is modified to read as follows:

Condition 11

The portions of each lot where clearing of vegetation may occur shall be restricted to three acres which include the sites of the proposed building footprints, driveways, and septic systems/leach fields, plus 100 feet from each residence as may be required per fire-safe regulations. The remainder of each lot shall be maintained with the existing mature trees, wetlands, and riparian and understory vegetation, and a notation requiring preservation of the trees in this remainder area of each lot shall appear on the development plan. Each parcel shall have recorded against it an agreement with the County, and enforceable by the County, prohibiting land clearance in excess of the areas permitted herein.

The applicant's agent has indicated that the applicant accepts this modification.

Point of Confusion

While the above Amended Condition 11 is acceptable to the appellants, the Amended Resolution in the Supplemental No. 1 sent out August 30th, just 5 days before this hearing, shows this amendment crossed out. This is an error. If it is not an error than appellants point out that without this condition adequate and enforceable mitigation would not be in place. The following must be required.

11. The portions of each lot where clearing of vegetation may occur shall be restricted to three acres which include the sites of the proposed building footprints, driveways, and septic systems/leach fields, plus 100 feet from each residence as may be required per fire-safe regulations. The remainder of each lot shall be maintained with the existing mature trees, wetlands, and riparian and understory vegetation, and a notation requiring preservation of the trees in this remainder area of each lot shall appear on the development plan. Each parcel

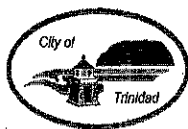
shall have recorded against it an agreement with the County, and enforceable by the County, prohibiting land clearance in excess of the areas permitted herein.

APPELLANTS SUMMARY

In order to comply with CEQA (numerous sections and in general) to mitigate for Potentially Significant Environmental impacts the following requested measures must be included in the approval:

- 1) Alter the dates in which surface water withdrawals are prohibited to July 15th through October 31st.
- 2) Connect water withdrawal prohibitions to measured flows at the Trinidad intake, as well as to typical dry season dates. Install flow meter systems and provide remote monitoring of flows at the downstream end of the Moss Parcels on the North Fork of Luffenholtz Creek and at the Cities intake on lower main stem Luffenholtz creek.
- 3) Make restrictions regarding vegetation clearing, deed restriction, as well as on the development plans.

Sincerely, Sungnome Madrone
for the Friends of Westhaven and Trinidad



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

5. Final Payment to Code Publishing Inc. for Recodification of Municipal Code

CONSENT AGENDA ITEM

Date: September 12, 2012

Item: Final Payment to Code Publishing Company

Background: The work authorized by the Council on April 14, 2010 for Code Publishing Company to complete the recodification and publication of Trinidad's Municipal Code has now been completed. This was budgeted in the previous fiscal years as \$7,500 over two years, for a total expected cost not to exceed \$15,000. The project took longer than expected to complete, and no funds were included in the current year believing this would be completed and paid in the prior year. The work is only recently completed, and the final payment of 3821²⁵ is now due and owing. This will bring the total cost to 10,356⁰⁰, which is under the original not-to-exceed budget. The current year budget needs to be adjusted to place the funds in the corresponding year of expenditure.

Proposed Action:

Authorize a supplemental budget of \$ 3821²⁵ in line item 201-75200.



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

6. Proclamation in Support of Gay Pride

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Kathy Bhardwaj, Mayor
Gabriel Adams, City Clerk



PROCLAMATION 2012-05

**IN RECOGNITION OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER AWARENESS
MONTH SEPTEMBER 2012.**

WHEREAS, one of our nation's greatest strengths is the rich diversity of its people. Lesbian, gay, bisexual, and transgender Americans form an important part of this national tapestry and have contributed to every facet of our society. However, even to this day, they are still marginalized, discriminated against and physically and emotionally attacked for who they are; and

WHEREAS, the City of Trinidad recognizes that its entire diverse population should have equal rights and opposes any oppression and discrimination which diminishes the quality of life for any Trinidad resident or visitor, including those in its lesbian, gay, bisexual and transgender community; and

WHEREAS, the 20th annual Lesbian, Gay, Bisexual and Transgender Parade and Festival will be held in the City of Eureka on September 8, 2012; and

WHEREAS, the Humboldt Pride 2012 Festival invites people from all over Humboldt County, Northern California, and Southern Oregon to participate in the activities provided to educate and celebrate each other and commemorate the rich diversity of our community.

NOW, THEREFORE BE IT PROCLAIMED, that the City Council of the City of Trinidad designates September 2012 to be LESBIAN, GAY, BISEXUAL AND TRANSGENDER AWARENESS MONTH in the City of Trinidad.

PASSED, APPROVED, AND ADOPTED by the Trinidad City Council on September 12, 2012.

Attest:

Gabriel Adams
City Clerk

Kathy Bhardwaj
Mayor, City of Trinidad

-----Original Message-----

From: Justin Pabalate [mailto:melencio2@yahoo.com]

Sent: Monday, August 13, 2012 4:54 PM

To: citymanager@trinidad.ca.gov

Subject: City of Trinidad: September Proclamation

This is an enquiry e-mail via <http://www.trinidad.ca.gov/> from:
Justin Pabalate <melencio2@yahoo.com>

Good Afternoon,

Can you please add this proclamation to the city's agenda for the September meeting?

Please let me know if there is anything else I need to do and if it is going to make it on the agenda.

Thank you so much!

Justin Pabalate

Co-Chair, Humboldt Pride

(707) 845-7080

In recognition of Lesbian, Gay, Bisexual, and Transgender awareness month September 2012

WHEREAS, one of our nation's greatest strengths is the rich diversity of its people. Lesbian, gay, bisexual, and transgender Americans form an important part of this national tapestry and have contributed to every facet of our society. However, even to this day, they are still marginalized, discriminated against and physically and emotionally attacked for who they are; and

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WHEREAS, the 20th annual Lesbian, Gay, Bisexual and Transgender Parade and Festival will be held in the City of Eureka on September 8, 2012; and

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CONSENT AGENDA ITEM 7

SUPPORTING DOCUMENTATION FOLLOWS WITH: 12 PAGES

7. Luffenholtz Creek Sediment Reduction Contracts with RCAA and GHD

CONSENT AGENDA ITEM

Date: September 12, 2012

**Item: AUTHORIZE CITY MANAGER TO SIGN
CONTRACTS FOR SERVICE WITH RCAA AND GHD FOR
THE LUFFENHOLTZ CREEK SEDIMENT REDUCTION
PROJECT**

Background: In June 2012, the city council authorized the City Manager to sign a Proposition 50 Funding Letter of Commitment for the Luffenholtz Creek Sediment Reduction Project. This project will improve water quality at the City's water intake by reducing turbidity due to high sediment concentrations in Luffenholtz Creek through treatments of unpaved roads on Green Diamond Resource Company (GDRC) land in the upper watershed. The Letter of Commitment secures funding from the California Department of Public Health (CDPH) Prop 50 Source Water Protection Grant Program. The City must complete the project design, CEQA equivalent process, and bid preparation within six months in order to receive a Funding Agreement from CDPH.

Staff has negotiated contracts for services with RCAA and GHD to complete pre-project final planning & design work in order to secure the funding agreement. The RCAA agreement is for \$39,325 and the GHD agreement is for \$163,000. Both agreements will be paid for by the Prop 50 Source Water Protection funding from CDPH.

Staff Recommendation:

- 1) Authorize City Manager to sign the contract for services with RCAA for the Luffenholtz Creek Sediment Reduction Project.
- 2) Authorize City Manager to sign a contract for services with GHD for the Luffenholtz Creek Sediment Reduction Project.
- 3) Direct Staff to negotiate a scope of service geotechnical and survey work for future council approval, in order to complete necessary work before December 2012 to secure the funding agreement with CDPH.

Attachments: RCAA Contract for Services
GHD Contract for Services

**AGREEMENT BETWEEN THE
City of Trinidad and Redwood Community Action Agency**

This Agreement for Services (Agreement) is dated for identification this Twelfth of September, 2012, and is made by and between the City of Trinidad (City) and Redwood Community Action Agency (RCAA), whose address is 904 G Street, Eureka CA, 95501. Hereinafter, the City and RCAA collectively shall be referred to as "the Parties."

RECITALS

A. City desires to retain the services of RCAA to provide Pre-Project Final Planning and Design services to be funded through a California Department of Health Source Water Protection Grant for the Luffenholtz Creek Source Water Protection Project.

B. RCAA is a qualified professional capable of providing the certain professional services that the City seeks.

NOW, THEREFORE, in consideration of the recitals and mutual promises contained herein, City does hereby engage RCAA, and RCAA agrees, to perform the services set forth herein in accordance with the following terms and conditions:

1. Description of Services. RCAA shall provide the following services:

See attached Exhibit A. Scope of Work

2. Schedule and Term.

RCAA shall commence work under this contract immediately and shall complete all work under this contract no later than December 1, 2012

3. Compensation. Total compensation to RCAA for providing services set forth herein shall not exceed \$39,325, including materials, tax and labor.

4. Payment Schedule. City shall make payment within thirty (30) days of receiving payment from CDPH to the satisfactory completion of RCAA's services. RCAA understands that the City is relying on CDPH to accept project deliverables from multiple parties and that payment to RCAA is predicated on the City being reimbursed by CDPH. Should the project not be approved and payment not provided to the City by CDPH, then RCAA will not expect payment for these services from the city.

5. **Assignment.** RCAA's interest in and responsibilities under this Agreement shall not be assignable by RCAA either in whole or in part without the written consent of City.

6. **Termination.** City may terminate this Agreement at any time, for any and no reason, by providing ten (10) days advance written notice to RCAA.

7. **Independent Contractor.** It is agreed that RCAA is an independent contractor, and all persons working for or under the direction of RCAA are RCAA's agents, servants and employees, and said persons shall not be deemed agents, servants or employees of the City.

8. **Applicable Laws and Attorneys' Fees.** This Agreement shall be construed and enforced pursuant to the laws of the State of California. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be fixed by the court. Reasonable attorney fees shall be based upon comparable fees of private attorneys practicing in Humboldt County.

9. **Insurance Requirements**

RCAA shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain the insurance listed below. Any requirement for insurance to be maintained after completion of the work shall survive this agreement.

A. **Workers' Compensation & Employers Liability**

- Workers' Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- Employers Liability with limits of 1,000,000 per Accident; 1,000,000 Disease per employee; 1,000,000 Disease per policy.
- Thirty (30) days' prior written notice of cancellation or material change must be provided to the City of Trinidad.
- The policy must include a written waiver of the insurer's rights to subrogate against the city.
- Required Evidence of Coverage:
 1. Properly completed Certificate of Insurance.

B. **General Liability**

- Commercial General Liability Insurance no less broad than ISO form CG 00 01.
- Coverage must be on a standard Occurrence form. Claims-Made forms are not acceptable without prior written consent. Modified, limited or restricted Occurrence forms are not acceptable without prior written consent.
- Minimum Limits: 1,000,000 per Occurrence; 2,000,000 General Aggregate; 2,000,000 Products/Completed Operations Aggregate.
- Prior written consent is required if the insurance has a deductible or self-insured retention in excess of \$25,000.
- The City of Trinidad must be endorsed as an additional insured for liability arising out of

ongoing and completed operations by or on behalf of RCAA.

- The policy definition of “insured contract” must include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (“P” definition of insured contract in ISO form CG 00 01, or equivalent).
- The insurance provided to the City of Trinidad as an additional insured must be primary and non-contributory with respect to any insurance or self-insurance program maintained by the City of Trinidad.
- Thirty (30) days' prior written notice of cancellation or material change must be provided to the City of Trinidad
- The policy must cover inter-insured suits and include a “separation of Insureds” or “severability” clause which treats each insured separately.
- Required Evidence of Coverage:
 1. Copy of the additional insured endorsement or policy language granting additional insured status;
 2. Copy of the endorsement or policy language indicating that coverage applicable to the City of Trinidad is primary and non-contributory; and
 3. Properly completed Certificate of Insurance.

C. Automobile Liability

- Minimum Limit: \$1,000,000 combined single limit per accident.
- Coverage must apply to all owned, hired and non-owned vehicles.
- The City of Trinidad must qualify as an insured.
- Required Evidence of Coverage:
 1. Copy of endorsement or policy language indicating that the City of Trinidad is an insured; and
 2. Properly completed Certificate of Insurance.

D. Professional Liability Insurance or Errors & Omissions Coverage

- Minimum Limit: \$1,000,000.
- Prior written consent is required if the insurance has a deductible or self-insured retention in excess of \$25,000.
- If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
- Coverage applicable to the work performed under this agreement shall be continued for two (2) years after completion of the work . Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
- Thirty (30) days' prior written notice of cancellation or material change must be provided to the City of Trinidad.
- Required Evidence of Coverage:
 1. Properly completed Certificate of Insurance.

E. Standards for Insurance Companies

- Insurance policies must be issued by an insurer with an A.M. Best's rating of at least

A:VII.

F. Documentation

- The Certificate of Insurance must include the following reference City of Trinidad Luffenholtz Creek SWP Grant Project
- The name and address for Additional Insured endorsements, Certificates of Insurance and Notice of Cancellation is:
City of Trinidad
P. O. Box 390
Trinidad, CA 95570
- Current Evidence of Coverage must be provided for the entire required period of insurance.
- Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

10. Hold Harmless. RCAA shall defend, indemnify and hold harmless the City of Trinidad, its officials, officers, employees, volunteers and agents from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged acts, omissions, negligence or willful misconduct of RCAA, its officials, officers, employees, agents, subconsultants and subcontractors arising out of or in connection with the performance of the Services, the Project or this Agreement, including without limitation the payment of all consequential damages and attorneys fees and other related costs and expenses. RCAA shall pay and satisfy any judgment, award or decree that may be rendered against City or its directors, officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. RCAA shall reimburse City and its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. RCAA's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its directors, officials, officers, employees, agents or volunteers

11. Reliance Upon Professional Skill. It is mutually agreed by the parties that City is relying upon the professional skill of RCAA, and RCAA represents to City that its work shall conform to generally recognized professional standards in the industry. Acceptance of RCAA's work by the City does not operate as a release of RCAA's said representation.

12. Amendment. This Agreement may only be amended by written instrument signed by both parties.

13. Severability/Unenforceable Provision: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, it shall be severable from the remainder of the Agreement. The Parties agree that all other provisions of this Agreement shall have force and effect and not be affected thereby.

14. **Timeliness:** Time is of the essence in the performance of this Agreement. RCAA is required to begin performance under this Agreement as soon as possible following its execution and shall abide by the Deliverable due dates at Exhibit D Deliverables. RCAA shall not incur costs pursuant to this Agreement past the Agreement end date.

15. **Inconsistent Terms.** If the attachments or exhibits to this Agreement, if any, are inconsistent with this Agreement, this Agreement shall control.

16. **Entire Agreement.** This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understandings (whether oral or written) between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein. If the attachments or exhibits to this Agreement, if any, are inconsistent with this Agreement, this Agreement shall control. I agree that no promises were made to me other than the promises set forth in this written document and that I have not entered into this agreement for any reason other than due to the promises set forth herein in writing.

17. **Notices.** Any notice required to be given to RCAA shall be deemed to be duly and properly given if mailed to RCAA, postage prepaid, addressed to:

Redwood Community Action Agency, Natural Resources Division
904 G Street
Eureka, CA 95501

or personally delivered to RCAA at such address or at such other addresses as RCAA may designate in writing to the City.

Any notice required to be given to City shall be deemed to be duly and properly given if mailed to the City of Trinidad, postage prepaid, addressed to:

City of Trinidad
P. O. Box 390
Trinidad, CA 95570

or personally delivered to the City of Trinidad at such address or at such other addresses as the City may designate in writing to RCAA.

IN WITNESS WHEREOF, this Agreement is executed by the City of Trinidad and by RCAA.

APPROVED AS TO FORM AND CONTENT:

City Manager, City of Trinidad

APPROVED AS TO FORM:

City Attorney, City of Trinidad

RCAA:

By: _____

Title: _____

Taxpayer I.D. Number _____

Exhibit A

Luffenholtz Creek Source Water Protection Project

Redwood Community Action Agency

Pre Project – Final Planning and Design

Scope of Work

September 2012

INTRODUCTION

This agreement is between the City of Trinidad and Redwood Community Action Agency (RCAA) to complete final field review, coordinate with the City Engineers (GHD) and City Planner (Streamline Planning) and property owner Green Diamond Resource Company (GDRC), in completing conditions necessary to enter a funding agreement with DPH for implementation of a project to reduce sediment input to Luffenholtz Creek upstream of the City's water intake at Westhaven Drive.

RCAA conducted the field surveys as part of a road assessment and developed site prescriptions and priorities under contract to the City in 2006-2008 under the Trinidad Integrated Coastal Watershed Management Plan funded by the State Water Resources Control Board. The Plan included findings of the road assessment and turbidity monitoring, maps of project sites, a description of the problem, and recommended treatments. The current project will address up to 45 sites, depending on the final prioritization and costs. Treatments for these sites include: replacing undersized or damaged culverts; paving, graveling, or mulching eroding road surfaces; installing additional road drainage structures; reducing inboard ditch lengths; decommissioning roads; relocating main haul roads out of the riparian corridor to reduce direct delivery of sediment from road surfaces to Luffenholtz Creek and its tributaries; and redirecting road drainage to infiltration areas.

The proposed road treatments are consistent with the California Department of Fish and Game 'Stream Habitat Restoration Manual, 3rd edition, vol. II', 2002, and the 'Handbook for Forest and Ranch Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Maintaining and Closing Wildland Roads', Weaver and Hagans, 1994. The project location is in Humboldt County, on private land owned by Green Diamond Resource Company. The treatment sites are located within T8N, R1E, Sections 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33. Zoning is Timber Production Zone (TPZ). As a collaborative property owner, Green Diamond partnered with the Natural Resources Services Division of Redwood Community Action Agency, GHD, and the City to apply for grant funding, offering staff time and rock as cost shares to the project, in addition to permit coverage under Green Diamond's Habitat Conservation Plan.

The CDPH has provided a letter of commitment to the City stating their support for the project and outlining several items that must be completed in order for the project to move ahead. RCAA has conducted field reconnaissance needed to update the treatment site list and refine cost estimates as requested by CDPH. RCAA has also coordinated with GDRC, GHD, Streamline Planning, and the City to

formulate a plan for meeting the conditions imposed by CDPH prior to entering a funding agreement with the City. RCAA has and will continue to perform the work with the understanding that RCAA will be compensated only after the City is reimbursed by CDPH. RCAA is relying on the City and other project partners to support the project and to complete the other necessary components required by CDPH. RCAA will assist by coordinating with GHD, GDRC, Madrone Enterprises and the City as necessary to meet the conditions of the letter of commitment needed to reach a funding agreement for project implementation.

Task 1 Project Management

1.1 Team Meetings and Coordination

Coordinate with the project team (GHD, GDRC, the City, and Madrone Enterprises ME- sub-consultant to RCAA), to discuss progress, identify tasks, and provide assistance to accomplish tasks needed for the City to meet conditions of Letter of Commitment and enter a Funding Agreement with CDPH.

1.2 Attend meetings to review products and progress and assign tasks with project team

2.1 Task 2 Field Reconnaissance, Finalize Site List, Project Descriptions, & Cost Estimates Conduct field reconnaissance with GRDC, GHD, ME to review proposed treatment sites and reach agreement on final treatments

2.2 Modify treatments if needed and finalize site list and treatments

2.3 Review cost estimates with GHD and GD revise as needed and develop final treatment list with cost estimates

Deliverables: map of treatment sites; treatment site list with cost estimates for funding agreement

Task 3 Permitting Consultation and Assistance

3.1 Provide consultation and assistance to City Planner for preparation of a CEQA document for the City to consider and approve to meet the conditions of the Letter Of Commitment (LOC)

3.2 Provide consultation and assistance to GHD and GRDC in preparing a timber harvest plan to be submitted to CalFIRE for road decommissioning and road relocation.

3.3 Work with GHD, GDRC, and ME to finalize site lists and descriptions needed for inclusion in GDRC's project list provided to the California Department of Fish & Game and North Coast Regional Water Quality Control Board as required by GDRC's Aquatic Conservation Plan.

**Agreement Between
The City of Trinidad and GHD
For Source Water Protection Design Services
on Luffenholtz Creek**

INTRODUCTION

This agreement is between the City of Trinidad and GHD Inc. (GHD) to complete design of up to 45 treatment sites to help reduce high sediment loads entering Luffenholtz Creek, above the City of Trinidad's water intake on Luffenholtz Creek. This agreement is based on a prime agreement between the City of Trinidad and GHD dated May 20, 2008. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

This project was developed as part of the Trinidad Integrated Coastal Watershed Management Plan. The Plan included findings of the road assessment and turbidity monitoring, maps of project sites, a description of the problem, and recommended treatments. The project will address up to 45 sites, depending on the final prioritization and costs. Treatments for these sites include: replacing undersized or damaged culverts, paving, graveling, or mulching eroding road surfaces, installing additional road drainage structures, reducing inboard ditch lengths, decommissioning roads, and redirecting road drainage to infiltration areas

The proposed road treatments are consistent with the California Department of Fish and Game 'Stream Habitat Restoration Manual, 3rd edition, vol. II', 2002, and the 'Handbook for Forest and Ranch Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Maintaining and Closing Wildland Roads', Weaver and Hagans, 1994. The project location is in Humboldt County, on private land owned by Green Diamond Resource Company. The treatment sites are located within T8N, R1E, Sections 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33. Zoning is Timber Production Zone (TPZ). As a collaborative property owner, Green Diamond partnered with the Natural Resources Services Division of Redwood Community Action Agency, GHD, and the City to apply for grant funding, offering staff time and rock as cost shares to the project, in addition to permit coverage under Green Diamond's Habitat Conservation Plan.

The California Department of Public Health (CDPH) has provided a letter of commitment to the City stating their support for the project and outlining several items that must be completed in order for the project to move ahead. The design of the project components in a bid set ready for bidding is one of the requirements before reimbursement for this work can be completed. GHD is willing to proceed with the work, with the understanding that GHD will be compensated only after the City is reimbursed by CDPH. GHD is relying on the City and other project partners to support the project and to complete the other necessary components required by CDPH. Specifically, the City has agreed to pay for the required geotechnical and surveying services regardless of reimbursement from CDPH. GHD will assist by coordinating with the geotechnical and surveying firms, and making a recommendation to the City to hire those services separately, with payment guaranteed to those firms later in the fall when the entire project should be reimbursed by CDPH in order to reduce the pressure on City finances in the short term. GHD believes it can find geotechnical and surveying firms that will be willing to complete the work with these payment provisions and the City acknowledges that GHD cannot guarantee geotechnical and surveying firms will be found who are willing to complete the work with these payment provisions. Should payment to the geotechnical and surveying firms be necessary on a shorter timeframe, the City agrees to make those payments so that the entire project is not jeopardized.

SCOPE OF SERVICES

The following tasks define our scope of services.

Task 1. Project Management

GHD's Project Manager, with administrative assistance, will administer the project contract, coordinate team personnel and sub-consultants, update the project schedule, coordinate City and internal reviews, prepare invoicing, and attend meetings as outlined in detail below.

1.1: General Project Management

GHD will communicate with the City on project issues, generally oversee and coordinate the overall execution of the project and necessary administrative tasks including contracting, scheduling staff and resources, directing project progress and execution, quality control and City review and preparation of invoices.

1.2: Project Grant Administration

GHD will assist the City with grant administration by coordinating with CDPH on finalization of the initial Budget Summary and Estimate (BS&E) Form for use in reimbursement requests. GHD will prepare the first reimbursement request to be ready as soon as the funding agreement is finalized, and will continue to develop monthly reimbursement requests. This task includes gathering invoices from the City, GHD and other project consultants onto CDPH forms and coordinating with CDPH to assure the forms are correct. This task does not include construction management pay request preparation, which would be included in a separate scope and fee.

1.3 Assistance in Selecting Geotechnical and Surveying Services

GHD will assist the City in coordinating with geotechnical and surveying companies to solicit proposals from those firms to provide the services necessary to support the project design. GHD will solicit proposals, and review and make recommendations to the City for the City's selection of appropriate firm(s) to hire under separate contracts to provide these services.

1.4 Project Schedule and Updates

GHD will prepare a project schedule identifying major tasks and milestones through design. Updates will be provided periodically throughout the project and milestones and delivery dates will be reviewed with the City as needed to track project schedule and summary memos provided as requested.

Task 2: Preliminary Engineering

GHD will provide preliminary engineering efforts to support the project design as outlined in detail below.

2.1: Field Review and Survey

GHD will meet with Green Diamond staff and other applicable project partners to visit the treatment sites and visually survey the project needs. GHD will work with applicable project partners to update the treatment site list as appropriate based on Green Diamond's previous work, feedback concerning upcoming operations, and available grant funds to support construction of the improvements.

Task 3: Project Design (PS&E Package)

GHD will prepare the plans, specifications, and estimates (PS&E) package for as follows. The Construction Plans will be developed on 22" x 34" sheets that allow scaled reduction to 11" x 17" sheets. Design plans may include the title sheet, general notes, demolition sheets, site plans, typical sections, typical details, standard erosion control details, other sheets deemed necessary to convey the design intent. All plans will be stamped and signed by a professional engineer to be used as part of the construction documents. GHD will prepare specifications consisting of the City's standard specifications modified for this project.

Opinion of probable construction costs will be prepared using standard engineering estimate procedures for each submittal. Actual costs may vary due to availability of labor, equipment or materials, or market

conditions. GHD makes no warranty, express or implied, that the actual project cost will not vary from GHD's opinion of probable construction cost.

GHD will submit the PS&E package for review at the 50% and 90% completion states. Key members of the design team will also be available to meet to review specific design issues and discuss preferred solutions for each of the two draft submittals. All relevant review comments submitted will be addressed in the subsequent submittals with a memorandum detailing the response to each written comment received. All drawings shall be provided in AutoCAD (Release 2010 or newer), PDF, and six (6) hardcopy prints. These items will accompany two sets of the specifications and opinion of probable construction costs.

The final submittal will include, in addition to the above, wet signed originals suitable for bidding purposes.

GENERAL ASSUMPTIONS/ EXCLUSIONS

The following are not included in this Scope of Services

- Geotechnical services which are required for our scope of services to be completed. GHD will coordinate and recommend a geotechnical consultant be hired but the consultant will not be a subcontractor to GHD and the City will pay for those services separately and under separate contract.
- Surveying services which are required for our scope of services to be completed. GHD will coordinate and recommend a survey consultant be hired but the consultant will not be a subcontractor to GHD and the City will pay for those services separately and under separate contract.
- Construction Management services including pay request preparation.
- Permit and CEQA environmental documentation which will be required for the project to be approved by CDPH. Green Diamond is responsible for these items.
- Other items not specifically included in this scope

COMPENSATION

The project will be billed on a lump sum basis for a total fee for this scope of \$163,000. Invoices will be prepared monthly based on the percentage of services performed. Invoices are due and payable by the City within 30 days of receiving compensation from CDPH. GHD understands that the City is relying on CDPH to accept project deliverables from multiple parties and that payment to GHD is predicated on the City being reimbursed by CDPH. Should the project not be approved and payment not provided to the City by CDPH, then GHD will not expect payment for these services from the City.

AGREED

City of Trinidad

GHD Inc.

Karen Suiker, City Manager, Date

Steven Allen, Office Manager, Date

Trinidad Accounting Tracking Number



CONSENT AGENDA ITEM 8

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

8. Agreement for Services with GHD for Water System Turbidity Monitoring Project

CONSENT AGENDA ITEM

Date: September 12, 2012

Item: Authorize the city manager to sign an amendment 2 for the agreement for services with GHD for the Water System Turbidity Monitoring Project.

Background: The City's original agreement with GHD for the Water System Turbidity Monitoring Project for \$58,368 was reduced to \$48,068 through amendment 1 to allow for Labor Compliance monitoring costs, which are now not required. Amendment 2 increases the fee back up by \$4,072 for software and PLC costs that were purchased/completed as a sub-contract to GHD instead of directly from the city. The fees for this agreement are to be paid through a Prop 50 grant through the California Department of Public Health.

Staff Recommendation: Authorize City Manager to sign the GHD Amendment 2 to Agreement between GHD and City.

Attachments: **Amendment to GHD Agreement between Client and Consultant**



GHD Project No.

0106311001

**Amendment to
Agreement between Client and Consultant**

Amendment No. 2 to Scope of Services Agreement approved on February 9, 2011 between GHD Inc. (Consultant) and City of Trinidad (Client).

Project: Technical Assistance for Department of Public Health Turbidity Meter / Monitoring Upgrade Grant – Monitoring Improvement Project.

Client hereby requests and authorizes Consultant to perform additional and/or revised services as set forth in this Amendment.

Scope of services as set forth below or in specified attachment(s).

Additional site programming assistance for Task 4 (Onsite Support);

Task Description	GHD's Original Budget	GHD's New Budget (revised)
Task 1 Monitoring System Design Finalization	\$ 17,052	\$ 18,394
Task 2 Bid Phase Assistance	\$ 2,332	\$ 4,969
Task 3 PLC Integration	\$ 25,144	\$ 23,205
Task 4 Onsite Support	\$ 10,746	\$ 5,572
Task 5 User Requested Modifications	\$ 3,094	\$ 0
Total Budget	\$ 58,368	\$ 52,140

Terms of compensation as set forth below or in specified attachment(s).

The additional fee of \$4,072 (Task 4) will be billed on a time and materials basis using the fee schedule in effect at the time the services are performed.

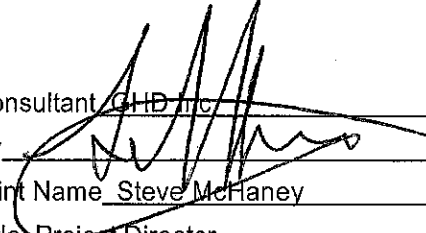
All provisions specified in the original Master Services Agreement dated 5/20/08 and the Scope of Services Agreement approved on 2/9/11 are in effect. No other agreements, guarantees, or warranties are in effect.



GHD Project No. 0106311001

IN WITNESS WHEREOF, the parties hereby execute this amendment upon the terms and conditions stated above.

Client City of Trinidad
By _____
Print Name Karen Suiker
Title City Manager
Date _____

Consultant GHD Inc
By 
Print Name Steve McHaney
Title Project Director
Date 8-31-12

Original Agreement	<u>\$58,368</u>
Amendment No. 1	<u>-\$10,300</u> (reduced)
Amendment No. 2	<u>\$ 4,072</u>
TOTAL	<u>\$52,140</u>



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

1. Discussion/Decision regarding Dissolution of the Trinidad Gateway Advisory Committee with Appreciation for its Successful Contributions. (Davies)

DISCUSSION/ACTION AGENDA ITEM

Date: September 12, 2012

Item: Dissolution of the Trinidad Gateway Advisory Committee with Appreciation for its Successful Contributions

Background: Trinidad's Gateway Advisory Committee was first considered by the Council in 1999 and members were formally appointed in 2004 to plan for the City's Gateway Improvement Project. The committee's efforts have been very successful, as has clearly been demonstrated by the outstanding results of the recently completed Gateway project. This Committee was also helpful in design and placement selection of the new streetlights and in working with CalTrans on the artistic component to be included in their seismic retrofit project.

The membership of this committee has evolved over time due to staffing changes in various organizations, and because of these staffing changes there has been some confusion over individual member noticing. Attendance at more recent meetings has declined significantly, possibly because earlier members have lost interest, have moved on and/or the Committee's original purpose has been filled. There are no current topics that need to be addressed by this committee at this time.

It may be time for the Council to consider official dissolution of this Advisory Committee that has served its intended purpose. If a project came up that could benefit from Committee review and recommendation, the Council may wish to solicit new members and/or appoint any interested carry over members from the current committee at that time.

Proposed Action:

It is recommended that the Council dissolve the Trinidad Gateway Advisory Committee and direct staff to send letters of appreciation to committee members for their successful contributions.



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

2. Discussion/Decision regarding Consideration of Donation for new Air Service. (Fulkerson)

Why New Air Service?

September 4, 2012

What is proposed?

- \$1 million, 2 year minimum revenue guarantee contract established by the community to secure additional air service to the Arcata/Eureka Airport.
- Begin negotiating with airlines to provide service to an alternate hub (not San Francisco) which is the best fit for Humboldt County.

Who Benefits?

- Wide range of small businesses:
 - Industry Clusters in the Prosperity Plan indicated that additional air service was a priority
 - HSU has indicated that this is a priority
 - Tourism would benefit greatly
 - Medical Community has indicated that this is a priority
- Construction Industry Benefits
 - Passenger fees combined with FA and State funding bring a minimum of \$2.7 million in local construction annually from a new route alone
- Local Travelers.

Myth Busting

- This is not propping up a corporation; this is establishing a much needed service for the community. The intention is to develop a long term sustainable route that will not require funding for many years, like Horizon's 9 year run here.

Where Does the Money Come From?

- \$750,000 Department of Transportation Grant – Received in August 2012
- Up to \$250,000 Headwaters Grant – Matches other community funds – Received May 2012
- \$10,000 City of Eureka Donation –June 2012
- \$5,000 Cypress Grove Chevre Donation –August 2012
- \$750 Eureka Payments Donation –August 2012
- \$1,500 Republic Parking Donation – June 2012
- \$500 – National Rental Donation – August 2012
- Multiple other donations under consideration by local government and small businesses
- Requesting Headwaters Fund to modify grant to include local non-cash donations of services as “matching community funds” - advertising and fee waivers

What Happens if We Don't Act?

- United maintains monopoly pricing – prices have increased around 40% since Horizon left
- Delays due to SFO construction until 2015

What is the Financial Return to the Community?

- Total funding returns approximately \$7 for every dollar invested
- \$250,000 from the community matches returns approximately \$28 for every local dollar invested.
- Returns are in terms of lower ticket prices, local construction jobs, and increased revenue to the county.
- Financial returns do not include benefits to local businesses in reaching customers, improved air freight for local products, ability to recruit needed medical professionals to the area, reduced delays, and reduced driving to alternate airports by local population.



Redwood Region
Economic Development
Commission

520 E Street Eureka • California 95501 • (707) 445-9651 • FAX (707) 445-9652

AIR SERVICE DEVELOPMENT FUND

Thank you for your contribution to the Air Service Development Fund administered by the Redwood Region Economic Development Commission. Your help in bringing additional air service to the county is essential to the economic well being of Humboldt County.

Fund Terms:

1. Funds to be used solely for the acquisition of additional air service to the Arcata/Eureka Airport through the use of a Minimum Revenue Guarantee in conjunction with funding from the US Department of Transportation and the Humboldt County Headwaters Fund.
2. Funds are fully refundable in the event that no air service is secured using contributed funds within two years from the date of receipt of funds.
3. Funds will be held in a County of Humboldt account in RREDC's name used solely for this purpose.
4. Public acknowledgement may be made at any time for the contribution made.
5. Funds may not be withdrawn from the account prior to two years from the receipt of funds without the written permission of RREDC.

Donors Name:

Amount Donated:

Date of Donation

Acknowledgement of receipt of funds:

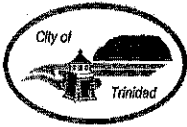
Don Ehnebuske

Executive Director, Redwood Region Economic Development Commission

Date

MEMBER AGENCIES

City of Arcata • City of Blue Lake • City of Eureka • City of Ferndale • City of Fortuna • City of Rio Dell • City of Trinidad
County of Humboldt • Humboldt Bay Harbor, Recreation and Conservation District • Humboldt Bay Municipal Water District
Humboldt Community Services District • Manilla Community Services District • McKinleyville Community Services District
Orrick Community Services District • Redwoods Community College District • Hoopa Valley Tribe
Willow Creek Community Services District • Orleans Community Services District • Redway Community Services District



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

3. Discussion/Decision to Consider Resolution 2012-12: Supporting a Constitutional Amendment to Overturn the Citizens United Decision. (Miller)



RESOLUTION 2012-12

A RESOLUTION TO SUPPORT A CONSTITUTIONAL AMENDMENT TO OVERTURN THE CITIZENS UNITED DECISION BY ESTABLISHING THAT CORPORATIONS ARE NOT PEOPLE AND MONEY IS NOT SPEECH

WHEREAS, it is at the local level of government that citizens experience the greatest level of involvement; and

WHEREAS, in the City of Trinidad, local elected officials see the opportunity of including the voice of citizens in the decision making process as an essential part of open government; and

WHEREAS, Trinidad City local elected officials accept the responsibility of transparency in government as demonstrated by our extensive public engagement processes and the requirements for elected officials at numerous levels to disclose of financial contributions; and

WHEREAS, involvement and transparency are essential to democracy at all levels of government; and

WHEREAS, the Citizens United v. FEC decision of the United States Supreme Court minimizes the strength and voice of the individual citizen in the political process; and

WHEREAS, the Citizens United v. FEC decision constrains the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

WHEREAS, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections, including but not limited to House Joint Resolution 90¹ and Senate Joint Resolution 33²; and the State of California³ and more than 30 California municipalities have passed resolutions calling on Congress to act against corporate personhood⁴;

THEREFORE BE IT RESOLVED, that the Trinidad City Council urges support for maintaining an open and engaged forum for citizen voices at the local level; and

THEREFORE, BE IT FURTHER RESOLVED, that the Trinidad City Council opposes the Supreme Court's interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons. The Trinidad City Council also supports amending the Constitution to provide that the expenditure of money by any person or entity to influence the electoral process is no longer a form of constitutionally protected speech, and calls on the Congress of the United States to begin the process of amending the Constitution.

PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 12th day of SEPTEMBER, 2012.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Kathy Bhardwaj
Mayor

DRAFT